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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/917,576

Applicant(s)

KRACK, MIKE

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3 and 5-6** are rejected under 35 U.S.C. 102(b) as being anticipated by Nakashima (US 5,479,490).

Regarding **claim 1**, Nakashima discloses a voice responsive remote-controllable system (column 1, lines 10-14), (which reads on claimed “an interactive voice response system for a telecommunications system”), comprising:

an adjunct processor (38 on FIG. 1) that outputs an output data (column 4, line 32 “a voice signal output”) stream to user (column 4, lines 32-40) [The voice output terminal outputted from the confirmation tone];

a speech gateway enabling system (9 on FIG. 1) comprising:

a speech recognition engine (41 on FIG. 1) operable to identify words (column 4, line 50 “a voice”) in an input voice stream (column 4, line 52 “feature data”) received from the user on a first communication path (column 4, line 29 “a line”) extending between the user and the speech gateway enabling system

(column 4, lines 50-61) [The speech recognition detects the voice period and extracted from the feature data]; and

a speech gateway controller (43 on FIG. 1) operable:

(a) to transfer at least a portion of the input voice stream (column 4, line 65 "a voice command") from the first communication path to a second communication path (45 on FIG. 1) extending between the speech gateway enabling system to the adjunct processor (column 4, line 62 to column 5, line 1) [The control signal outputs a voice command request signal to the switch]; and

(b) to transfer the at least a portion of the input voice stream from the first communication path to the speech recognition engine for processing (column 4, lines 41-49) [A voice signal from the output terminal is imputed to the speech recognition].

Regarding **claim 2**, Nakashima discloses wherein the speech gateway enabling system comprises a speech digitizer that converts the input voice stream from analog to digital form (column 6, lines 17-30).

Regarding **claim 3**, Nakashima discloses wherein the first and second communication paths are configured by a switching system (9 on FIG.1).

Regarding **claim 5**, Nakashima discloses wherein switching system comprises a plurality of communication ports and the first communication path extends between first and second communication ports of the switching system and the second communication path extends between different third and fourth communication ports of the switching system (column 4, lines 29-49)

Regarding **claim 6**, Nakashima discloses (c) to transfer at least a portion of the output data stream from the second communication path to the first communication path (column 4, lines 41-61).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4, 7-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima in view of Lustgarten et al. (US 6,389,398).

Regarding **claim 4**, Nakashima as applied to **claim 1** differs from **claim 4** in that it fails to disclose grammar correlating a plurality of words.

However Lustgarten teaches wherein the speech enabling gateway system comprises grammar correlating a plurality of words with a corresponding plurality of DTMF codes in the command set of the adjunct processor (column 3, lines 1-16).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use grammar correlating a plurality of words of Lustgarten in the invention of Nakashima.

The modification of the invention would offer the capability of grammar correlating a plurality of words such as the system would automatically accessing information on the network telephony.

Regarding **claim 7**, Nakashima discloses a voice responsive remote-controllable system (column 1, lines 10-14), (which reads on claimed "a method of providing interactive voice response capability in a telecommunications system"), comprising:

- (a) directing to a speech recognition engine (41 on FIG. 1) at least a portion of an input voice stream (column 4, line 32 "a voice signal output") received from a user (1 on FIG. 1) on a first communication path (column 4, line 29 "a line") extending between the user and a first adjunct processor (column 4, lines 32-40) [The voice output terminal outputted from the confirmation tone];

(b) detecting at least some of the words in the at least a portion of the input voice stream (column 4, lines 49-53) [The speech recognition detects a voice period from the extracted feature data];

(c) transferring the input voice stream to a second communication path extending between the first adjunct processor and a second adjunct processor (column 4, line 63 to column 5 line 1) [The control signal outputs a voice command request signal to the switch].

Nakashima fails to disclose a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal.

Lustgarten teaches:

(d) comparing at least some of the detected words with a grammar (12C on FIG. 1), the grammar correlating a plurality of words (column 3, line 3 "voice commands") with a corresponding plurality of DTMF codes (column 3, line 12 "DTMF"), to identify corresponding DTMF codes for each of the at least some of the detected words (column 3, lines 1-16); and

(e) transmitting a DTMF signal (column 2, lines 30-31 "dial tones") corresponding to at least one identified DTMF code on a second communication path (column 2, lines 31 "telephone line") extending between the first adjunct processor and the second adjunct processor (column 2, lines 25-33).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal of Lustgarten in the invention of Nakashima.

The modification of the invention would offer the capability of a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal such as the system would automatically accessing information on the network telephony.

Regarding **claim 8**, Nakashima discloses wherein the directing and transferring steps occur at least substantially simultaneously (column 4, lines 41-61).

Regarding **claims 9 and 18**, Nakashima and Lustgarten as applied to **claims 7 and 17** differs from **claims 9 and 18** in that it fails to disclose the grammar further includes at least one switch symbol.

However Lustgarten teaches wherein the grammar further includes at least one switch symbol for at least one of enabling and disabling the directing step (a) (column 3, lines 1-16).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the grammar further includes at least one switch symbol of Lustgarten in the invention.



The modification of the invention would offer the capability of the grammar further includes at least one switch symbol such as the system would automatically accessing information on the network telephony.

Regarding **claims 10 and 19**, Nakashima discloses wherein the speech gateway enabling system comprises a speech digitizer that converts the input voice stream from analog to digital form (column 6, lines 17-30).

Regarding **claims 11 and 20**, Nakashima discloses :

- (f) configuring the first communication path for a first communication session initiated by the user with the first adjunct processor (column 4, lines 29-40); and
- (g) thereafter configuring the second communication path for a second communication session, initiated by the first adjunct processor, between the first and second adjunct processors (column 7, lines 36-67).

Regarding **claims 12 and 21**, Nakashima discloses

- (f) transferring an output data stream from the second communication path to the first communication path (column 8, lines 11-46).

Regarding **claim 13**, Nakashima discloses wherein transferring steps (b) and (e) occur at least substantially simultaneously (column 8, lines 47-61).

Regarding **claims 14 and 22**, Nakashima discloses

(f) muting the first communication path when the transmitting step (d) is performed (column 8, lines 47-61).

Regarding **claims 15 and 23**, Nakashima discloses

(f) determining if the output from the speech recognition engine includes a switch symbol (column 9, lines 3-24); and

(g) when the output includes a switch symbol, at least one of enabling or disabling the directing step (a) (column 9, lines 25-40).

Regarding **claims 16 and 24**, Nakashima discloses

(f) determining if one of the first and second communication paths has been disconnected (column 12, lines 34-49); and

(g) when one of the first and second communication paths has been disconnected, disconnecting the other of the first and second communication paths (column 12, lines 50-64).

Regarding **claim 17**, Nakashima discloses a voice responsive remote-controllable system (column 1, lines 10-14), (which reads on claimed “a system of providing interactive voice response capability in a telecommunications system”), comprising:

first and second adjunct processors (24 and 38 on FIG. 1);

a speech recognition engine (41 on FIG. 1) that detects at least some words in an input voice stream (column 4, line 32 “a voice signal output”) received from a user (1 on FIG. 1) on a first communication path (column 4, line 29 “a line”) extending between the user and the first adjunct processor (column 4, lines 32-40) [The voice output terminal outputted from the confirmation tone];

directing means for directing to the speech recognition engine at least a portion of the input voice stream (column 4, lines 49-53) [The speech recognition detects a voice period from the extracted feature data];

transferring means for transferring the input voice stream to a second communication path extending between the first adjunct processor and the second

adjunct processor(column 4, line 63 to column 5 line 1) [The control signal outputs a voice command request signal to the switch].

Nakashima fails to disclose a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal.

Lustgarten teaches comparing means for comparing at least some of the detected words with a grammar (12C on FIG. 1), the grammar correlating a plurality of words with a corresponding plurality of DTMF codes (column 3, line 3 “voice commands”), to identify corresponding DTMF codes for each of the at least some of the detected words (column 3, lines 1-16);

transmitting means for transmitting a DTMF signal corresponding to at least one identified DTMF code on a second communication path (column 2, lines 31 “telephone line”) extending between the first adjunct processor and the second adjunct processor(column 2, lines 25-33).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal of Lustgarten in the invention of Nakashima.

The modification of the invention would offer the capability of a plurality of words with a corresponding plurality of DTMF codes and transmitting a DTMF signal such as the system would automatically accessing information on the network telephony.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hunt et al. is cited for a speech responsive voice messaging system (FIG. 1).


Beyda et al. is cited for an apparatus for improving the user interface (FIG. 1).

Coxhead et al. is cited for a controlling interactive voice response system (FIG. 2).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

  
g.g.  
March 23, 2003

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